

## Now overdue: Why rights to due process should be restored



For too long we have been denied a fair system of justice that can punish and protect equally well. The CTG needs to not just prosecute people but do it in a way that begins to repair and restore public faith in the system. That's what we need. That will be our blue sky and white clouds, without the ominous copters.

JALAL ALAMGIR

Some schoolteachers once compared pictures of the sky drawn by Israeli and Palestinian children. They were

startled at what they saw. Among clouds and the sun, most kids from Palestine also drew dark helicopters hovering overhead. Imagine that! The sad reality of occupation and oppression had crept into even the

most innocuous, happy childhood dreams.

There is a lot of reason to be happy and excited nowadays. The sudden arrests of politicians, hauling them straight to jail, the passing

of tough new laws, the notice to declare wealth in 72 hours -- all these have been thrilling events for a people long oppressed by corruption. But sadly each of these has been marred by a neglect of the police.

So, I can't draw only happy clouds and the sun just yet.

In a nation that was looted almost bare by corrupt BNP-Jamaat politicians in the last five years, the cry for justice is loud and clear. There is simply no argument against it, and the caretaker government is heeding it fully.

But theft is not all that we suffered in five years. We also experienced a complete breakdown in our system of justice.

I have witnessed my father, who is now accused of treason, holding his head in frustration many times because he could not get justice. One crisp afternoon this January, while we were having lunch, the phone started to ring incessantly. He picked up: there were shouts and cries on the other end. He listened, and his jaw dropped. The ex-BNP minister Ehsanul Haque Milon had entered a hospital in Chandpur brandishing two guns, in broad daylight and in full public view, and shot an AL student leader who was undergoing treatment. The police refused to take the case.

Many newspapers ran the story the next day, quoting witnesses. The

police still refused to take the case. On the other end of the phone that day, people were crying not because of the shooting, but because they were humiliated that the police refused to listen to them.

This is just one tiny example. In every nook and cranny in Bangladesh, from Kansat to Phulbari to Savar to Chandpur, people were persecuted, robbed, raped, even burnt alive; thousands were killed and maimed; scores were murdered in grenade attacks, and on and on -- but rarely have people been able to get justice. The system refused citizens protection from the abuse of power.

With hope of a new beginning, the task before the caretaker government is not simply to catch the ringleaders of misrule, but very importantly, to do so in a way that helps restore faith in our system of law and justice.

But on this count, the CTG, to be honest, has let us down. It has focused on efficiency and caught many worthy of punishment, but has sacrificed due process in order to make an example of those it has netted so far.

Take first the question of balance. Within the high-profile arrests, the CTG has included a few opposition ministers, most likely to show a semblance of balance. Dr. Muhimmed Khan Alamgir, my father, is an example. The past BNP gov-

ernment tortured him, then filed almost a dozen treason and corruption cases against him, but after years of hunting they failed to prove anything. In spite of that, he was arrested again, and has been in prison for a month already on a charge of treason, a charge that the High Court had already dismissed. This shows that the motive behind prosecuting him is seriously questionable.

Within the "lower-profile," the CTG has arrested at least 55,000 people so far, the highest number netted in a single month by any government in the past fifteen years. Just by laws of probability, a significant number of people among them must be innocent. Mass arrests always include a good number of innocents.

But their hope of due process is cut short in two ways: one, fundamental rights are suspended, and two, new laws are being enacted to bypass the existing judicial system. Fundamental rights, including the right to move the High Court, are there to ensure protection of the innocent from the abuse of power. In a good legal system, such protection is as important as prosecution.

As for new laws, the CTG either has passed or is about to pass three sets of them, with special tribunals to quickly prosecute cases of corruption, terrorism, and default on

bank loans. Our problem, however, has not been with laws; it has been with enforcement. Existing laws already allow severe punishment in each of these areas. Keeping CTG's rhetoric aside, the only real shortcoming of existing laws is that they retain the fundamental legal rights of the accused.

The CTG has taken many laudable initiatives in many different areas. In this area, however, it needs to step back from over-activity.

In fact, restoring due process will serve the CTG's direct interest.

First of all, without fundamental rights, trials, no matter how speedy, cannot be fair. And if the integrity of the trials begins to fail scrutiny, it will threaten the larger project by allowing some known criminals to get away and other innocent people to be punished.

The second reason relates to the counter-reformation. Commentators like Zafar Sobhan have talked about a counter-reformation, questioning the extent to which the CTG is really in command. Its lack of control, and therefore quality, would be more pronounced within these 55,000 lower profile arrests. In other words, it is difficult for a few well-intentioned people at the top to ensure that most arrests were made on proper grounds, especially when they have to rely on an administration with

strong vestiges from BNP's tenure. Counter-reformers would be keen to damage the CTG's credibility by continuing to harass and arrest people for political motives. Compliance with due process is insurance against such sabotage.

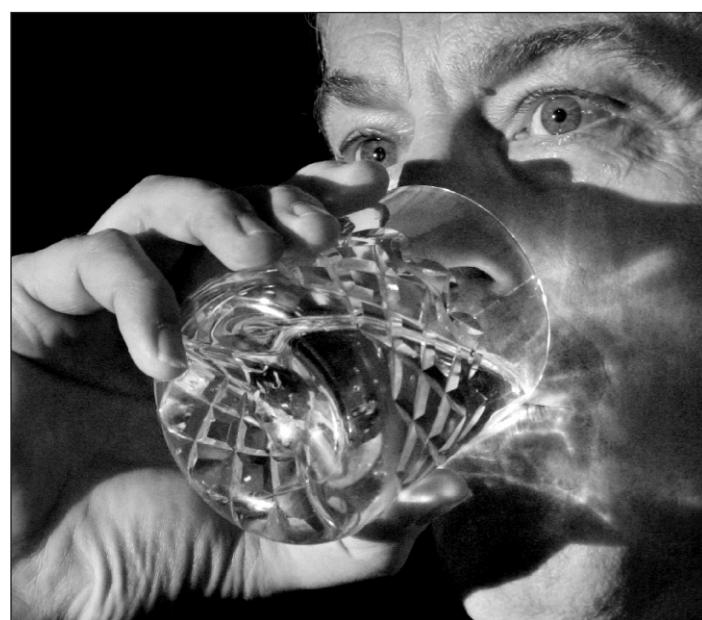
Finally, following due process is what will make this CTG different from its predecessor. BNP was able to establish a reign of terror and corruption by fully subverting the justice system to its advantage. The CTG must not subvert it further. Contrary to what the CTG seems to think, it is not possible to weaken the system now in order to strengthen it later. It doesn't work that way.

For too long we have been denied a fair system of justice that can punish and protect equally well.

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## Blair fumbles again



IMRAN KHALID

BRITISH Premier Tony Blair's decision to "reduce" -- not withdraw -- British troops in southern Iraq, from 7,100 to 5,500, in the coming months is certainly an unexpected stroke that has not only confused his detractors but also befuddled his supporters too.

Blair, whose days in 10 Downing Street are numbered, can be categorized as one of the most astounding British premiers of recent times, with drastic oscillations in his political career.

All was going well for Tony Blair, who emerged as a hero in 1997 when he guided the Labour Party out of 18 years in the political wilderness, until he started blindly toeing the White House line on foreign policy to the extent of being dubbed "President Bush's aficionado."

He had successfully enabled the Labour Party to have the third

consecutive parliamentary majority, and was all set to lead the game until next elections in 2009. But all his dreams of engraving his name in history as the longest serving British premier of the post-World War period have been bitterly shattered.

He has been literally pushed to the wall. Everybody is just waiting for his exit. The reasons leading to his current predicament cannot be explained in simplistic terminology.

There is a consensus in the political circles that Blair has alienated his supporters by sending troops to Iraq, refusing to call for an immediate ceasefire during the war in Lebanon, and failing to persuade the White House to push Israel towards peace with the Palestinians.

But there are some other factors that have further contributed to Blair's ignominy. The refusal of MPs to support him on key reforms, as well as the unavoidable feeling of

boredom and disaffection that often envelops any leader who has been omnipresent for around a decade, are perhaps two major factors that are responsible for pushing him to the lowest ebb of popularity.

Nonetheless, his ill-advised and blind support to President Bush's Iraq policy has been the key element in pushing him to this position of complete helplessness. There have been very few instances in British political history when a prime minister is compelled by his erroneous foreign policy to think of a pre-mature exit.

Blair is the most glaring example of this. Since last September, when he promised to step down within one year, everybody is treating him as "gone," and looking over his shoulder to long-time, presumed successor, Gordon Brown.

Not surprisingly, after having a relatively successful ten-year stint that has been marred by his Iraq policy in the last phase, Blair is desperately trying to change this by achieving a semblance of success in Iraq.

His decision to reduce British troops is simply part of this attempt to claim "some" success in Iraq at the twilight of his career. Blair is claiming that he is reducing the British troops stationed there since the situation was normal in southern Iraq.

Ironically, instead of winning him some laurels, his hasty decision to call back a big chunk of the British troops has further portrayed Blair as a directionless leader.

This decision is as bad as his earlier initiative to invade Iraq with President Bush in 2003. Blair fumbles again on Iraq.

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The fact is that Blair has realized his flawed approach of blindly following the White House in the domain of foreign policy, and he wants to make some corrections for saving face.

The reduction in British troops -- and that too from southern Iraq, which was already relatively silent and stable -- is just a symbolic gesture to alleviate the reservations about his ability as a far-sighted statesman.

The fact is that almost all the 22 countries which have sent troops to Iraq to work along with the US troops have no significant impact on the ground operations there. Their individual numerical strength -- which ranges from 15 soldiers to 7,100 troops for different countries -- is so low, compared to 139,000 US troops, that they are more of symbolic value than of any concrete and tangible support to major operations of the US-led coalition.

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